

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/828,070	04/05/2001	Jenny A. Tyler	21087000100

**CONFIRMATION NO. 7266**

20350  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

**FORMALITIES LETTER**



\*OC00000006167422\*

Date Mailed: 06/11/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/08/2001 SMINASS1 00000009 201430 09828070

01 FC:205 65.00 CH

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

#3  
PATENT  
Attorney Docket No.: 021087-000100US

Assistant Commissioner for Patents  
Attn: Box Missing Parts  
Washington, D.C. 20231

On August 7, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Eleanor J. Taylor

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Jenny A. Tyler

Application No.: 09/828,070

Filed: April 5, 2001

For: METHOD FOR DIAGNOSIS OF  
AND PROGNOSIS FOR DAMAGED  
TISSUE

Examiner: Unassigned

Art Unit: 1645

**TRANSMITTAL LETTER –  
RESPONSE TO NOTICE OF MISSING  
PARTS**

Attn: Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application, dated June 11, 2001, enclosed are the following to be made of record in the above-identified application:

- 1) Executed Declaration
- 2) Power of Attorney and Certificate of Assignee Under 37 C.F.R. § 3.73(b)  
with attached copy of assignment
- 3) Copy of Notice of Missing Parts

Please charge Deposit Account No. 20-1430 for the following fees:

Small Entity: (a) Filing Fee (§ 1.16(a)) (Small Entity) \$355.00

(b) Excess Claims Fees (§ 1.16(b), (c)):

15 - 20 = 0                    x \$9.00 =                    \$0.00

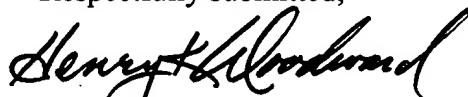
3 - 3 = 0                    x \$40.00 =                    \$0.00

(c) Missing Parts Surcharge                    \$65.00

**TOTAL FEES TO BE CHARGED**                    **\$420.00**

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,



Henry K. Woodward  
Reg. No. 22,672

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
HKW:ejt

PA 3161210 v1

Sector \*

Please type a plus sign (+) inside this box → 

# TRANSMITTAL FORM

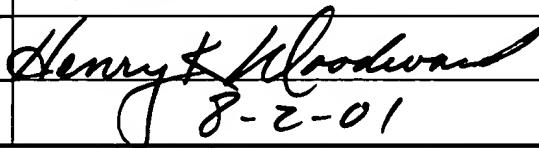
(to be used for all correspondence after initial filing)

		Application Number	09/828,070
		Filing Date	April 5, 2001
		First Named Inventor	Tyler, Jenny A.
		Group Art Unit	1645
		Examiner Name	Unassigned
Total Number of Pages in This Submission	1	Attorney Docket Number	021087000100

## ENCLOSURES (check all that apply)

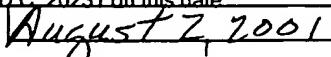
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Receipt Postcard Declaration Power of Attorney
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Statement Under 37 CFR 3.73(b) with attached copy of assignment Copy of Notice to File Missing Parts
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Henry K. Woodward	
Signature	 8-2-01	
Date		

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:



Typed or printed name	Eleanor J. Taylor	
Signature	Eleanor J. Taylor	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3161214 v1

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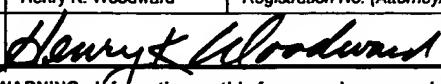
# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 420

Complete if Known	
Application Number	09/828,070
Filing Date	April 5, 2001
First Named Inventor	Tyler, Jenny A.
Examiner Name	Unassigned
Group Art Unit	1645
Attorney Docket No.	021087-000100US

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																			
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <span style="border: 1px solid black; padding: 2px;">20-1430</span></p> <p>Deposit Account Name <span style="border: 1px solid black; padding: 2px;">Townsend and Townsend and Crew LLP</span></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Large Entity Fee Code (\$)</th> <th style="width: 10%;">Entity Fee Code (\$)</th> <th style="width: 10%;">Small Entity Fee Code (\$)</th> <th style="width: 10%;">Fee Description</th> <th style="width: 10%;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>Surcharge - late filing fee or oath</td><td>65</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>Petition to revive – unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>Petition to revive – unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4" style="text-align: center;">Other fee (specify)</td><td></td></tr> <tr> <td colspan="4" style="text-align: center;">The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.</td><td></td> </tr> <tr> <td colspan="4" style="text-align: center;">*Reduced by Basic Filing Fee Paid</td><td style="text-align: right;">SUBTOTAL (3) <span style="border: 1px solid black; padding: 2px;">(\$65)</span></td> </tr> </tbody> </table>				Large Entity Fee Code (\$)	Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	105	130	205	Surcharge - late filing fee or oath	65	127	50	227	Surcharge - late provisional filing fee or cover sheet.		139	130	139	Non-English specification		147	2,520	147	For filing a request for reexamination		112	920*	112	Requesting publication of SIR prior to Examiner action		113	1,840*	113	Requesting publication of SIR after Examiner action		115	110	215	Extension for reply within first month		116	390	216	Extension for reply within second month		117	890	217	Extension for reply within third month		118	1,390	218	Extension for reply within fourth month		128	1,890	228	Extension for reply within fifth month		119	310	219	Notice of Appeal		120	310	220	Filing a brief in support of an appeal		121	270	221	Request for oral hearing		138	1,510	138	Petition to institute a public use proceeding		140	110	240	Petition to revive – unavoidable		141	1,240	241	Petition to revive – unintentional		142	1,240	242	Utility issue fee (or reissue)		143	440	243	Design issue fee		144	600	244	Plant issue fee		122	130	122	Petitions to the Commissioner		123	50	123	Petitions related to provisional applications		126	180	126	Submission of Information Disclosure Stmt		581	40	581	Recording each patent assignment per property (times number of properties)		146	710	246	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	Request for Continued Examination (RCE)		169	900	169	Request for expedited examination of a design application		Other fee (specify)					The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.					*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) <span style="border: 1px solid black; 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**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																							

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Henry K. Woodward	Registration No. (Attorney/Agent)	22,672
Signature			Telephone <span style="border: 1px solid black; padding: 2px;">650-326-2400</span>
Date <span style="border: 1px solid black; padding: 2px;">8-2-01</span>			

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